IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6797 OF 2005

And

WRIT PTITION NO.6798 OF 2005

Shri Uttam Dhondiram Shinde, Petitioner
Vs
Dhondiram Tukaram Shinde,
since deceased through heirs
and L.Rs :
1A Savitri Dhondiram Shinde & ors Respondents.

Mr Pratap Patil, for the petitioner.
Mr V.D.Patil for Respondent nOs 1-C & 1-E

CORAM : D.B.BHOSALE,J.
DATE : 05.10.2006

PC:

1. Heard the learned counsel for the parties.

2. By these writ petitions, the petitioner has impugned the common order dated 13.6.2005 passed on the two Misc. Civil Application Nos 3/05 and 8/05. Both the courts below have concurrently held that the petitioner has failed to make out a prima facie case while dealing with his application for temporary injunction. The order impugned was passed on 13.6.2005 by which the order, passed by the trial Court dated 23.11.2004 insofar as the petitioner’s application for temporary injunction is concerned, has been affirmed. I am informed that admittedly since 23.11.2004 there is no

interim order running in favour of the petitioner. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that no useful purpose would be served by keeping these petitions pending any more and interest of justice would be served by following order.

(a) The trial court shall decide Regular Civil Suit No.138 of 2003 as expeditiously as possible and preferably within a period of one year from the date of receipt of this order on merits in accordance with law and without being influenced by the orders impugned in these writ petitions.

(b) Parties are directed to co-operate disposal of the suit within the stipulated time. Both the writ petitions are accordingly disposed of.

(D.B.BHOSALE,J.)